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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15 JANE DOE, an individual using a
16 pseudonym,

17 Plaintiff,

18 v.
19 UBER TECHNOLOGIES, INC.,
20 RASIER, LLC; RASIER CA, LLC,

21 Defendants.

22 Case No.

23 **COMPLAINT FOR DAMAGES**
DEMAND FOR JURY TRIAL

24 Plaintiff Jane Doe, by and through undersigned counsel Walkup, Melodia,
25 Kelly & Schoenberger, A Professional Corporation, as her Complaint against
26 Defendant Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, hereby alleges
27 as follows:

28 **PARTIES**

29 1. Jane Doe is a pseudonym and is not Plaintiff's real name. Submitted
30 with this complaint is an application to the Court for an order permitting Plaintiff to
31 use a pseudonym on the ground that anonymity is necessary to prevent mental harm
32 and to preserve privacy in a matter of a sensitive and highly personal nature.

1 2. Plaintiff Jane Doe is an adult woman who is a citizen of Mexico.
2 3. Defendant Uber Technologies, Inc. (“Uber Technologies”) is a Delaware
3 Corporation with its principal place of business in the City and County of San
4 Francisco, State of California.

5 4. Defendants Rasier, LLC and Rasier-CA, LLC (collectively “Rasier”) are
6 Delaware Limited Liability Companies with their principal places of business in the
7 City and County of San Francisco, State of California.

8 5. Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC
9 (collectively “Uber” the “Company” or “Defendants”) operate throughout the United
10 States and internationally in approximately 555 cities, including the City of San
11 Mateo in the County of San Mateo, State of California.

JURISDICTION AND VENUE

13 6. The jurisdiction of this action arises under diversity of citizenship
14 pursuant to 28 U.S.C. § 1332. Plaintiff is a citizen of a foreign country. Defendants
15 are all citizens of California. The amount in controversy exceeds \$75,000, exclusive of
16 interest and costs.

17 7. The Court has personal jurisdiction over Defendants because
18 Defendants are headquartered in San Francisco, California and conduct their
19 business in California.

20 8. Venue is proper as authorized pursuant to 28 U.S.C. § 1391(b)(1), as
21 Defendant Uber Technologies Inc. is headquartered in, conducts business in, and
22 resides in this district.

FACTUAL ALLEGATIONS

25 9. As recently as 2010, the general public considered it unreasonably
26 dangerous for a young woman to get into a strange man's private car with the
27 expectation that he would drive her to a specific location and let her get out of his
28 car, unharmed. That would have been considered hitchhiking. A foreseeable risk of

1 hitchhiking was the potential for sexual assault.

2 10. If someone needed a ride, one approach that had been considered
 3 reasonably safe for decades as of 2010 was to hail a licensed taxi. For decades, local
 4 authorities have heavily regulated taxi drivers and taxicabs to provide safeguards
 5 and protections for prospective passengers against unscrupulous or predatory
 6 drivers.

7 11. For example, currently in the City and County of San Francisco, an
 8 applicant to become a taxi driver must: submit fingerprints that are checked against
 9 the California Department of Justice's "RAP Sheet" database; pass a written exam;
 10 complete a driver training course; provide a recent photograph; submit to an alcohol
 11 and drug test; receive a negative result on the alcohol and drug test; authorize the
 12 city to obtain the results of past alcohol and drug tests; notify the city whether he or
 13 she has previously failed an alcohol or drug test; be "clean in dress in person"; be free
 14 of any condition that might render the applicant unsafe to operate a motor vehicle;
 15 have no prior convictions of a crime that would present a risk to public safety; be at
 16 least 21; and speak, read, and write the English language. San Francisco
 17 Transportation Code § 1103(c). A permitted taxi driver must conspicuously display
 18 his or her permit on the outside of his or her clothing at all times while operating a
 19 taxi and show that permit to any peace officer upon request. The permit can be worn
 20 only by the driver to whom it is issued. *Id.* at § 1108(a).

21 12. San Francisco also regulates taxicabs to make sure they clearly stand
 22 out, and are easily identified and tracked. Taxicabs must be painted to conform to an
 23 approved color scheme and bear a city-issued medallion with an identifying number.
 24 *Id.* at §§ 1102, 1108, 1113(d), 113(6). Every San Francisco taxicab must have the
 25 following information displayed on the exterior of the vehicle: the vehicle number; the
 26 words "San Francisco Taxicab"; a decal indicating a satisfactory vehicle inspection;
 27 the name of the taxi company; and the medallion. *Id.* These safeguards make every
 28 taxicab identifiable and trackable, and thus minimize the chances that a taxi driver

1 would rob, assault, or take advantage of a passenger, or that someone might
 2 masquerade as a taxi driver and victimize a passenger. These safeguards also make
 3 it easier for law enforcement officers to apprehend anyone who victimizes a
 4 passenger while driving a taxi.

5 13. Beginning in 2011 with its launch of “Uber X”, Uber built a novel
 6 “rideshare” industry. To build this industry, Uber had to both (1) change the public’s
 7 attitude toward getting into a stranger’s private car such that there would be
 8 demand for its rides, and (2) circumvent the taxi industry’s existing safety
 9 regulations in order to rapidly recruit a fleet of non-professional drivers to meet this
 10 demand. To say that Uber ultimately succeeded would be an understatement. On
 11 May 9, 2019, an initial public offering valued Uber at \$82.4 billion.

12 14. To disrupt the public’s cautious attitude on the topic of getting into a
 13 stranger’s private car, Uber spent many millions of dollars marketing and promoting
 14 the concept that its non-professional Uber X “rideshare” drivers, driving unregulated,
 15 non-distinctive personal cars, can be summoned with the “Uber App” and trusted to
 16 transport people safely.

17 15. To create a large and ready supply of drivers, Uber leapfrogged over
 18 safety regulations and laws that govern the transportation industry, and also failed
 19 to take and implement reasonable measures to protect rideshare passengers from
 20 unscrupulous, unqualified and dangerous drivers. The application process to become
 21 an Uber X driver is simple, fast, and designed to allow the Company to hire as many
 22 drivers as possible while incurring minimal associated costs. The cost and time
 23 savings, however, came at the expense of the safety of Uber X passengers, especially
 24 female riders.

25 16. In contrast to the local regulations that impose background checks,
 26 tests, and permit requirements on taxi drivers, Uber instead invited almost anyone
 27 with a driver’s license to become an Uber X driver. Uber even makes rental car
 28 arrangements for those who do not own a car. To become an Uber X driver,

1 individuals apply through Uber's website.

2 17. Uber generally outsources background checks of driver applicants to
 3 third party vendors that do not perform stringent background checks. Those vendors
 4 simply run potential drivers' social security numbers through databases similar to
 5 those held by private credit agencies, which only go back for a period of seven years
 6 and do not capture all arrests and/or convictions. The background checks conducted
 7 by private companies for Uber do not require fingerprinting for comparison against
 8 Department of Justice and Federal Bureau of Investigation databases. Neither Uber
 9 nor its third party vendors verify that the information provided by applicants is
 10 accurate or complete. Thus, people using false names can apply and pass an Uber
 11 background check. The turnaround time for an Uber background check is often under
 12 36 hours.

13 18. Using traditional lobbying efforts as well as its own social media clout,
 14 Uber lobbies state and local governments, including in California, to adopt its own
 15 proposed "model" regulations, which allow it to conduct its own lax background
 16 checks, instead of more stringent regulations like those used for taxi drivers. In
 17 Austin, Texas, where regulators imposed fingerprint background checks, Uber
 18 punished the regulators by pulling out of the city altogether.

19 19. As a direct result of Uber's lobbying efforts and social media campaigns,
 20 the Company largely self-enforces hiring standards for its Uber X drivers.

21 20. Uber is and has been aware that its security screening processes are
 22 insufficient to prevent unsafe applicants from successfully registering as Uber X
 23 drivers. Its inadequate background checks have been the subject of a number of
 24 municipal lawsuits and fines.

25 21. In 2015 the District Attorneys of San Francisco and Los Angeles filed a
 26 complaint alleging that individuals who passed Uber's security screening process and
 27 were found driving for Uber had the following felony convictions: second degree
 28 murder; lewd and lascivious acts against a child under the age of 14; sexual

1 exploitation of children; kidnapping for ransom with a firearm; assault with a
 2 firearm; grand theft; robbery; identity theft; burglary; and taking a vehicle without
 3 consent. In connection with the litigation, the San Francisco District Attorney called
 4 background checks without fingerprinting “completely worthless.”

5 22. Where cities and states (such as Houston and Maryland) perform their
 6 own fingerprint-based background checks, numerous driver applicants approved by
 7 Uber are ultimately rejected. In Maryland, nearly 15 percent of new rideshare
 8 drivers are disqualified for failing the state’s background checks. In 2017, when
 9 Massachusetts began running its own background checks on Uber and Lyft rideshare
 10 drivers, the state rejected 20,000 out of 170,000 rideshare driver applications that
 11 had been approved by the companies. Of those, 3,471 were rejected due to violent
 12 crimes.

13 23. In addition to anemic driver background check standards, Uber also
 14 operates with almost no standards to ensure that Uber X vehicles stand out and are
 15 easily tracked. In contrast to the local regulations that impose color-scheme and
 16 medallion requirements making each taxicab distinct and easily traced, Uber devised
 17 a system whereby Uber vehicles are distinguished from other vehicles only by an
 18 Uber decal that the Uber X driver places in the car’s window.

19 24. To create a large and ready fleet of Uber X vehicles, Uber made its Uber
 20 decals easy to obtain so that it could quickly recruit a large numbers of new Uber X
 21 drivers, who would drive their own non-distinctive vehicles.

22 25. Uber intends the Uber decal to reassure the prospective passenger:
 23 “This is not just a random stranger’s car. It is an Uber X and it is safe to get in.”

24 26. Uber owns several trademark registrations for “UBER” and several
 25 Uber-based marks. It has used Uber as a trademark and trade name in connection
 26 with goods and services since 2010. In opposing applications submitted by others to
 27 the United States Patent and Trademark Office that contain some form of the word
 28 “uber”, Uber has stated that through its “marketing, promotion, advertising, and

1 commercial activity, the public readily associates the UBER Marks and Names with
 2 Uber and its goods and services. The UBER Marks and Names are thus valuable
 3 assets of Uber and symbols of its goodwill.”¹

4 27. Uber knows and intends for its trademark UBER to signify a connection
 5 to the company. In opposing applications submitted by others to the USPTO that
 6 contain some form of the word “uber”, Uber has argued that allowing a person or
 7 company, which is not associated with Uber, to use the word “uber” in a trademark
 8 name is “likely to falsely suggest a connection between [the unaffiliated person or
 9 company] and Uber’s trade name and identity because [a trademark containing the
 10 word “uber”] is confusingly similar to and would be recognized as an approximation
 11 of the same. Even more, the fame and reputation of Uber is of such a nature that a
 12 connection with Uber would be presumed when [the unaffiliated person or company]
 13 uses [a trademark containing the word uber] in connection with its services.”² Uber
 14 has further argued that “[a trademark containing the word “uber”] uniquely and
 15 unmistakably points to Uber’s famous name and identity.”³

16 28. Trademarks and service marks are recognized to function both as an
 17 indication of origin or ownership and to serve as a guarantee of constancy of the
 18 quality or other characteristics of a product or service.

19 29. Uber knows that if a vehicle displays an Uber decal, then members of
 20 the public who see the decal will associate the vehicle and its driver with Uber – the
 21 trademark owner. Uber has marketed aggressively to condition members of the
 22 _____

23 ¹ Notice of Opposition submitted by Uber Technologies, Inc. in In the matter of
 24 Trademark App. Ser. No. 88/149861 at ¶ 13; *see also* Notice of Opposition submitted
 25 by Uber Technologies, Inc. in In the matter of Trademark App. Ser. No. 87776977 at
 26 ¶ 13 & Notice of Opposition submitted by Uber Technologies, Inc. in In the matter of
 27 Trademark App. Ser. No. 87/490138 at ¶ 14.

28 ² Notice of Opposition filed by Uber Technologies, Inc. in In the matter of Trademark
 29 App. Ser. No. 88/149861 at ¶ 15; *see also* Notice of Opposition submitted by Uber
 Technologies, Inc. in In the matter of Trademark App. Ser. No. 87776977 at ¶ 15 &
 26 Notice of Opposition submitted by Uber Technologies, Inc. in In the matter of
 27 Trademark App. Ser. No. 87/490138 at ¶ 16.

28 ³ *Id.*

1 public to think a vehicle and its driver are “safe” if an Uber decal is displayed. Uber
2 presents Uber X to customers as “a ride you can trust.”

3 30. Uber has stated on its website that:

Wherever you are around the world, Uber is committed to connecting you to the safest ride on the road. That means setting the strictest standards possible, and then working hard to improve them every day. The specifics vary depending what local governments allow, but within each city we operate, we aim to go above and beyond local requirements to ensure your comfort and security – what we are doing in the US is an example of our standards around the world.

31. Uber has stated on its website that:

From the moment you request a ride to the moment you arrive, the Uber experience has been designed from the ground up with your safety in mind.

32. Uber has actively fostered and successfully cultivated an image among
33 its customers of safety and superiority to public transportation and traditional taxis,
34 which is reflected in the very name of the Company itself.⁴

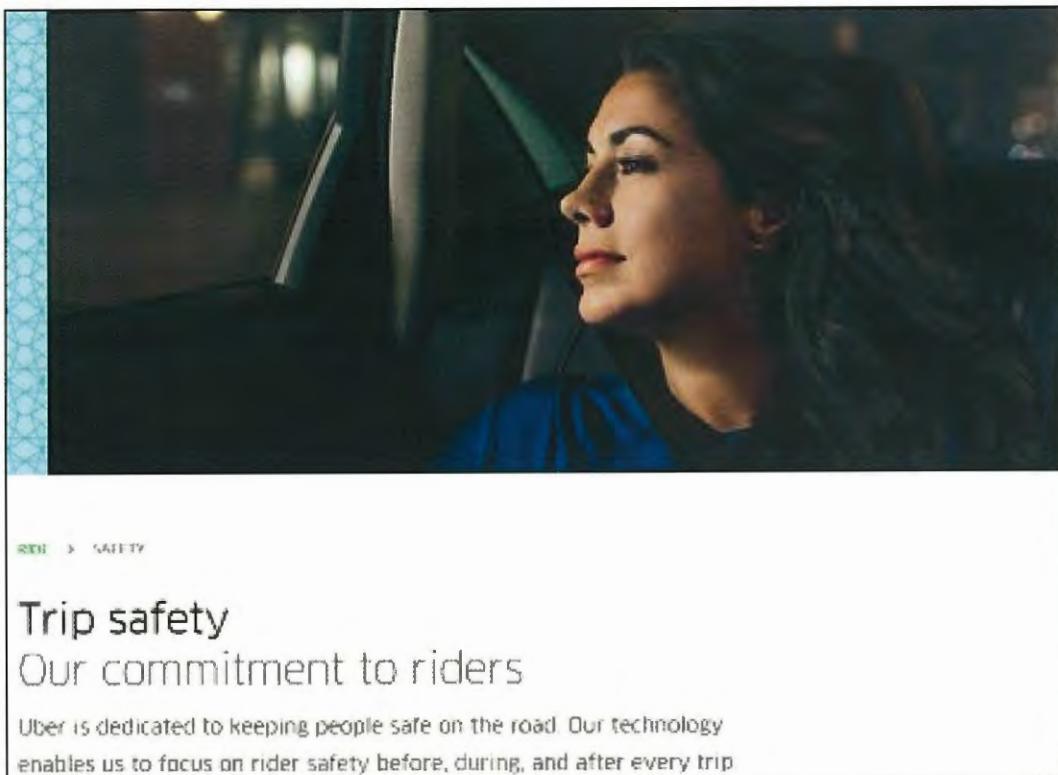
33. Until as recently as October 2014, Uber represented that "Every
16 ridesharing and livery driver is thoroughly screened through a rigorous
17 process we've developed using industry-leading standards. This includes a
18 three step criminal background screening for the U.S. – with country, federal
19 and multi-state checks that go back as far as the law allows –and ongoing
20 reviews of drivers' motor vehicle records throughout their time on Uber."

21 34. Until at least June 2, 2015, Uber's website stated: "Wherever you
22 are around the world, Uber is committed to connecting you to the safest ride on
23 the road. That means setting the strictest safety standards possible, then
24 working hard to improve them every day." Uber's blog also trumpeted: "We'll
25 continue innovating, refining, and working diligently to ensure we're doing

⁴ Dictionary.com defines “uber” as “designating a person or thing that exceeds the norms or limits of its kind or class.”

1 everything we can to make Uber the safest experience on the road."

2 35. Uber particularly markets itself as a safer transportation alternative for
 3 women. Uber's website and marketing contains numerous pictures of smiling women
 4 inside, entering or exiting vehicles, who are meant to appear "safe." Four true and
 5 correct examples of Uber's marketing copy are reprinted below:



"I work events late at night, and with Uber, I feel safer knowing I don't have to go wait outside and hope I can flag down a ride."

Brittany.
 Rider from Portland

An Uber advertisement featuring a woman with curly hair smiling from the backseat of a car. In the foreground, a man's face is partially visible through the window, looking at her. The background shows the interior of the car.

A woman with long dark hair and makeup is sitting in the back seat of a car, looking out the window. She is wearing a plaid jacket over a white top. The interior of the car is visible, including the headrests and windows.

1 36. In sum, Uber intends the public to believe that a vehicle bearing an
 2 Uber decal is a “ride you can trust,” and that its driver has passed the “strictest
 3 standards possible” in terms of background checks. However, ordinary members of
 4 the public do not know that Uber drivers undergo watered-down background checks.
 5 Nor do they know that Uber dispenses Uber decals, adorned with its immediately
 6 recognizable name and/or trademarked symbol, liberally and with little or no control.

7 37. Uber even makes available a “temporary decal” for new drivers to print
 8 at home. This decal is publicly available at the website
 9 https://image.et.uber.com/lib/fe9112737763017e71/m/1/Uber-decal_print-at-home.png
 10 as of June 10, 2019, and is accessed via a public link stating “Need a temporary
 11 decal? Print one at home here.” There is no security whatsoever to prevent anyone
 12 from printing this decal and displaying it on a vehicle.

13 38. In the San Francisco Bay Area alone, tens of thousands of cars bear
 14 Uber decals. No one, not even Uber, knows how many vehicles display an Uber decal,
 15 let alone which specific vehicles bear such a decal.

16 39. Uber has known for years that criminals and sexual predators take
 17 advantage of its weak driver screening process and uncontrolled Uber decal system.
 18 Soon after launching Uber X, Uber began receiving reports of victims who were
 19 assaulted, raped, robbed, or otherwise victimized after they willingly got into a car
 20 because it displayed an Uber decal, including instances in which the assailant-driver
 21 had not been hailed via the Uber App to pick up the victim-passenger. An April 4,
 22 2019 New York Times investigative article titled *They Thought It Was Their Uber:*
 23 *But the Driver Was a Predator* described “at least two dozen such attacks in the past
 24 few years.”

25 40. In sum, robberies, assaults and rape are a foreseeable risk of Uber’s lax
 26 driver screening process and Uber’s uncontrolled distribution of Uber decals. Despite
 27 these known deficiencies, Uber holds its brand and logo out to the public as
 28 representing safety.

1 41. Uber is a recognized technology innovator, but it nevertheless has failed
 2 to take technically feasible and reasonable measures to diminish and guard against
 3 the foreseeable harm to passengers caused by its uncontrolled distribution of Uber
 4 decals, because such safety measures would not only have added operating costs, but
 5 would have also hindered Uber's goal of recruiting as many Uber X drivers, driving
 6 their personal, non-distinctive vehicles, as possible in advance of Uber's IPO. Indeed,
 7 Uber has actively lobbied and instigated social media campaigns against laws that
 8 would regulate rideshare signage to protect against this very type of harm.

9 42. There are some features built into the Uber App that, when used, can
 10 make the rides safer. When a person summons an Uber X vehicle using that person's
 11 own Uber App, there are in-app features that allow the passenger to monitor the
 12 driver's location as the driver approaches the point of pickup. Under such
 13 circumstances, the passenger can also view, in the App, the make, model, and color of
 14 vehicle, as well as the license plate number and the driver's photo. Once the trip
 15 begins, there is a "panic button" in the App, as well as an option to "share trip
 16 status," and features that allow the passenger (or police, if necessary) to monitor the
 17 driver's location. However, Uber knows that its customers sometime summon Uber X
 18 cars for other people, and that under these circumstances the passenger does not
 19 typically have access to the App's features.

20 43. Uber tracks the location of those who use its App, and Uber has the
 21 technological capability to block ride requests that attempt to summon a driver to
 22 pick up a passenger at a location remote from that of the person using the App.

23 44. Uber not only permits its customers to summon rides for others, but it
 24 encourages them to do so and assures them that this is a safe and responsible
 25 practice. For example, Uber's website says, "Save the day. Grandma doesn't have a
 26 smartphone? Mom needs a ride from the airport? Your friend got a little too happy at
 27 happy hour? Send them a reliable ride to their destination. It's always appreciated."

28 <https://www.uber.com/ride/how-uber-works/request-for-a-guest/>

1 45. Uber has at all relevant times failed to communicate to its customers
 2 how lax its driver background check system is, how easy it is to acquire an Uber
 3 decal, and how easy it is to impersonate an Uber X driver. In withholding this
 4 information from its customers, Uber knowingly caused its customers to rely on the
 5 Uber decals as signaling that a driver has been vetted and is trustworthy. In
 6 withholding this information, Uber has also created the impression that the Uber
 7 App's features that identify the driver and vehicle are there for convenience (to help
 8 riders find the correct driver) as opposed to safety (to help riders find a safe driver).

9 46. On August 14, 2018, Plaintiff Jane Doe, a young woman, voluntarily got
 10 into the back seat of a strange man's car. That man (the "Assailant") activated the
 11 child-proof locks on the car's rear doors, trapping her inside. He drove to a remote
 12 location, where he raped and partially strangled Jane Doe. The Assailant then
 13 started driving to another location, where he planned to assault Jane Doe again and
 14 probably kill her, but she escaped and was rescued by a passing motorist.

15 47. The Assailant fled, but was identified and captured weeks later, only
 16 because the San Mateo Police Department conducted an exhaustive and superb
 17 investigation. As of the time of this complaint, the Assailant sits in jail and faces
 18 criminal charges that could lead to imprisonment for life.

19 48. Jane Doe is not from the United States. She and her fiancé are from
 20 Mexico. Her fiancé had business in the Bay Area in the middle of August 2018. She
 21 flew to the region to spend a few days with him for a mini-vacation. It was in the
 22 middle of this trip, August 14, 2018, that the assault occurred.

23 49. In the early evening of August 14, 2018, Jane Doe was at a shopping
 24 mall in San Mateo County, California. She wanted to return to the nearby hotel at
 25 which she and her fiancé were staying. Her own smartphone was running low on
 26 power. She therefore texted her fiancé, who was elsewhere, and asked that he use his
 27 Uber App to summon an Uber X ride for her. Her fiancé complied with her request.
 28 As described above, using the Uber App to summon a ride for someone else is a

1 practice that Uber allows and encourages.

2 50. There was an Uber decal on the windshield of a car that showed up at
 3 the location at which Jane Doe expected to be picked up. Jane Doe, whose primary
 4 language is not English, got into that car only because it had an Uber decal in the
 5 window and she believed, perhaps mistakenly, that the driver said her boyfriend's
 6 name when she neared the car.

7 51. In sum, Jane Doe willingly got into the back of this strange man's car
 8 because she believed that it was her Uber X rideshare and that it was safe to do so.
 9 As alleged above, Uber purposefully disrupted and changed the public's attitudes
 10 about riding in a stranger's private car, and it aggressively marketed the concept
 11 that it is safe for a young woman to get into an Uber X car under the circumstances
 12 presented to Jane Doe on the evening of August 14, 2018.

13 52. Months before Jane Doe was assaulted, Uber learned that the Assailant
 14 was a menace to women. He was, at that time, an Uber X driver, authorized by Uber
 15 to use the Uber App. On or about June 8, 2018, a woman reported to the Company
 16 that the Assailant behaved disturbingly while giving her an Uber X ride. Uber
 17 "investigated" her complaint by interviewing the Assailant over the telephone. He
 18 admitted to Uber that he drove the passenger off her "route", flirted with her, and
 19 drove her to a "horse stable," ostensibly so they could "talk."

20 53. Uber did suspend the Assailant's access to the Uber App after
 21 interviewing that woman and the Assailant, but the Company did nothing more than
 22 suspend access. It did not attempt to take back the Uber decal on his car or warn
 23 others about him. Upon the Assailant's arrest months later for his terrifying attack
 24 on Jane Doe, police observed an Uber decal on his car and found numerous Uber
 25 decals in the Assailant's possession.

26 54. Indeed, Uber was unable to put the genie it had created back in the
 27 bottle. Uber had disseminated tens of thousands of Uber decals in the Bay Area alone
 28 with no way of tracking them, let alone retrieving them from men like the Assailant

1 in this case, whom Uber knew, or had reason to suspect, were dangerous sexual
 2 predators.

3 55. Upon learning of another woman's complaint against its driver, Uber
 4 did nothing to notify its main competitor, Lyft, of the Assailant's concerning behavior
 5 even though Uber was aware that many of its drivers concurrently drive for Lyft. As
 6 a result, the Assailant was continuing to offer rides through Lyft up until and even
 7 after he assaulted Plaintiff Jane Doe.

8 56. It turns out that the Assailant had a significant criminal history that
 9 predated his driving for Uber, including convictions/arrests for driving under the
 10 influence of alcohol, driving on a suspended license, being under the influence of a
 11 controlled substance, possession of a controlled substance, vehicle theft, vandalism,
 12 assault/battery, and domestic violence. Nevertheless, Uber: "passed" him after a
 13 purported background check; provided him with Uber decals; gave him access to the
 14 Uber App; and permitted him to pick up Uber X passengers.

15 57. Jane Doe is just one victim of Uber's lax rideshare system that so easily
 16 allows a predator to become an Uber X driver, or to masquerade as an Uber X driver
 17 even if he no longer has access to or is not using the Uber App.

18 58. The attack on Jane Doe and other similar assaults by men who
 19 appeared to be rideshare drivers received significant public attention just before
 20 Uber's planned IPO. Rather than changing its ineffectual driver-vetting process and
 21 uncontrolled Uber decal scheme to more time-consuming and costly but safer
 22 systems, Uber instead responded to the negative publicity by blaming the
 23 victim-passenger. Uber also tried to shift the burden to the passenger to check and
 24 vet the Uber X driver who picks her up. On or about April 18, 2019, Uber rolled out
 25 new "safety features" (nothing more than text message prompts to passengers who
 26 are waiting for their Uber X to arrive). At that same time Tony West, Uber's chief
 27 legal and security officer, said, "It's become sort of second nature whenever we get
 28 into a car to buckle up. It has to be second nature before you get into a car to ask,

1 ‘Hey, who are you here to pick up?’’ <https://www.nbcnews.com/news/us-news/uber-unveils-new-safety-measures-wake-college-student-s-murder-n995611> For Plaintiff
2 unveils-new-safety-measures-wake-college-student-s-murder-n995611 For Plaintiff
3 Jane Doe and many other past victims, this “fatherly advice” is too late. For the
4 future passenger-victims, this will be too little. Other Uber X passengers will get into
5 cars bearing Uber decals without cross-examining the driver for a variety of
6 foreseeable reasons, e.g., hearing impairment, language barrier, intoxication,
7 youthful carelessness, residual trust in the brand Uber cultivated, or because they
8 heard the driver do or say something that they mistakenly interpret as indicating he
9 is the correct driver. Under Uber’s current and flawed systems, the type of harm that
10 befell Plaintiff Jane Doe will happen over and over again.

11 59. Uber purposefully made an end run around transportation safety laws
12 and regulations when it launched Uber X, such as those that regulate the taxi
13 industry. Uber failed to respond when the safety flaws in its Uber X rideshare
14 system, described above, came to the Company's attention. The Company could have
15 implemented reasonable and feasible remedial measures to prevent and guard
16 against such incidents. Uber instead chose profit (getting as many Uber drivers and
17 riders on the road as soon as possible in advance of its IPO) over safety
18 (implementing reasonable safeguards that would have added time and increased
19 costs). Such conduct is despicable and demonstrates a conscious disregard of the
20 safety and lives of prospective Uber X passengers like Plaintiff Jane Doe.

FIRST CAUSE OF ACTION

**(ASSAULT, BATTERY, AND FALSE IMPRISONMENT BY OSTENSIBLE
AGENT)**

25 60. Plaintiff alleges and reasserts all of the preceding paragraphs as if fully
26 set forth herein.

27 61. Uber intentionally or carelessly created the impression that the man
28 who assaulted, battered and falsely imprisoned Jane Doe was Uber's employee or

agent.

62. Jane Doe reasonably believed that the Assailant who assaulted and battered and falsely imprisoned her was Uber's employee or agent.

63. Jane Doe was harmed because she reasonably relied on her belief.

64. As a direct and proximate result of the aforementioned conduct, Jane Doe has sustained and will sustain physical pain, mental suffering, loss of enjoyment of life, anxiety, humiliation, and emotional distress.

65. As a direct and proximate result of the aforementioned conduct, Jane Doe has incurred economic damages, including lost past and future income, lost earning capacity, and past and future medical expenses.

66. Accordingly, Jane Doe is entitled to recovery against Uber in an amount to be determined at trial.

SECOND CAUSE OF ACTION

(NEGLIGENCE)

67. Plaintiff alleges and reasserts all of the preceding paragraphs as if fully set forth herein.

68. Uber was at all relevant times in the business of transporting the general public for profit, and held itself out to the public generally and indifferently for that purpose.

69. Uber at all relevant times advertised its services to the general public.

70. Uber at all relevant times charged standardized fees for its services, which were not separately negotiated with each passenger.

71. In requesting that her fiancé summon an Uber ride for her, Jane Doe intended to become an Uber passenger.

72. In encouraging customers to summon rides for others, and in accepting the ride request from Jane Doe's fiancé for a location Uber knew was remote from his location and thus must be for a person other than himself, Uber accepted Jane Doe as a passenger.

73. In relying on Uber to send a driver to her location, and to provide trade dress visually identifying its driver, Jane Doe placed herself under Uber's control.

74. Jane Doe went to the location designated as the site of departure at the appropriate time.

75. California Civil Code § 2100 thus obligated Uber to “use the utmost care and diligence for” Jane Doe’s safe carriage, to “provide everything necessary for that purpose,” and to “exercise to that end a reasonable degree of skill,” including with respect to providing a safe place and manner for Jane Doe to locate her driver, as well as providing a safe ride until she disembarked in a safe location.

76. Uber negligently, and with gross negligence and recklessness, breached the duty of care that it owed to Jane Doe.

77. As a direct and proximate result of the aforementioned conduct and breach of duty, Jane Does has sustained and will sustain physical pain, mental suffering, loss of enjoyment of life, anxiety, humiliation, and emotional distress.

78. As a direct and proximate result of the aforementioned conduct and breach of duty, Jane Doe has incurred economic damages, including lost past and future income, lost earning capacity, and past and future medical expenses.

79. Accordingly, Jane Doe is entitled to recovery against Uber in an amount to be determined at trial.

PRAYER FOR RELIEF

- A. For noneconomic damages according to proof at trial;
 - B. For economic damages according to proof at trial;
 - C. For costs of suit and attorneys' fees to the fullest extent permitted by law;
 - D. For pre-judgment and post-judgment interest according to law;
 - E. For punitive and exemplary damages in an amount that is sufficient to punish Uber and deter it and others from engaging in similar conduct in the future;

1 F. For such other and further relief as the Court may deem proper.
2 Dated: June 11, 2019

WALKUP, MELODIA, KELLY & SCHOENBERGER

3 By:



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5 MATTHEW D. DAVIS
6 SARA M. PETERS
7 ANDREW P. McDEVITT
8 Attorneys for Plaintiff Jane Doe

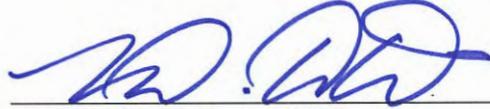
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2 **DEMAND FOR JURY TRIAL**
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4 Plaintiff hereby demands a jury trial.
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6 Dated: June 11, 2018
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8 WALKUP, MELODIA, KELLY & SCHOENBERGER
9

10 By: 
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12 MATTHEW D. DAVIS
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15 Attorneys for Plaintiff Jane Doe
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